srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6270 OF 2007.

Tantra & Uccha Shikshan Karmachari
Welfare Association and ors. ..Petitioners.

VERSUS.

The State of Maharashtra & Ors. ..Respondents.

Mr. Suresh S. Pakale for the petitioner.
Mr. C. J. Sawant, Sr. Advocate a/w Vijay Patil for respondent no.3.
Mr. V. A. Sonpal A.G.P. for the State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: AUGUST 28, 2007.

P.C.

1. Heard learned counsel for the parties. By this petition the petitioners who represent employees of respondent no.3 seek a direction that respondent no.3 should not close the ITI institution run by it. The petitioner also seeks a direction to respondent nos. 1 & 2 not to consider the application of respondent no.3 for closing down the ITI institution.

2. Respondent No.3 is a private, non governmental body. Learned counsel for the petitioner was unable to point out any right in the employees to prevent the private body from closing down of the institution run by it. Respondent no.3, for financial inability, seeks to close down the Institute, which imparts technical training in certain trades to the students. Respondent

No.3, therefore cannot be prevented from closing down the institution and respondent nos. 1 & 2 cannot be prevented from considering the application made by respondent no.3 for closing down of the institution.

3. Learned counsel for the petitioner submited that respondent no.1 - State be directed to hand over the assets of respondent no.3 to them, to enable the employees to run the ITI institution. Learned counsel appearing on behalf of respondent no.3 objected to this, firstly on a ground that there is no such pleadings and no prayers to that effect are made in the petition, and secondly on a ground that there is no law which provides that the property of a private institution or body be handed over to the employees on closing of the institution. In our view both the objections are valid. In the circumstances the petition is rejected summarily.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**